



STATE ETHICS COMMISSION BULLETIN

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2001 Statements of Financial Interests May Now be Filed Online

The Commission is expanding into the world of e-government with the advent of electronic filing for Statements of Financial Interests (SFIs). This year for the first time, electronic filing will be available to each of the nearly 5,000 elected officials, candidates and employees who are required to file.

G.L. c. 268B, the state's financial disclosure law, requires the annual disclosure of financial interests and private business associations by all elected officials, candidates and "designated" public employees of state and county governments. "Designated" employees include individuals holding major policy-making positions within their agencies.

The filing deadline for employees is Wednesday, May 1, 2002 and the filing deadline for elected officials and candidates is Tuesday, May 28, 2002.

While electronic filing is voluntary, Financial Disclosure Division Chief Anne Marie Quinlivan expects most

filers to take advantage of the new system. "Once public officials complete their first electronic SFI, future years will be a breeze," she stated, explaining that next year's SFI will include information filed the previous year. Filers will not have to re-enter all of their information; instead, they will review it and make changes as necessary.

Terry Dolan, Director of Administration in the Governor's office was the first filer. "It was a wonderful improvement --- simple and well designed," she said.

In order to file electronically, public officials must have an e-mail address, Internet access and use Microsoft Explorer as their Internet browser. The Commission will never have access to a filer's password.

Last month, designated filers received a packet mailed to their home. The packet includes information on who must file an SFI, specific instruc-

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MBTA Press Secretary Pays \$2,000 Fine for Failing to File Statement of Financial Interests

Suspended from position

Brian Pedro, a press secretary for the Massachusetts Bay Transit Authority, was fined \$2,000 for violating G.L. c. 268B, the state's financial disclosure law. Pedro failed to file his Statement of Financial Interests for calendar year 2000.

This marks the first time in the Commission's 23-year history that a public employee has been fined the maximum penalty for failing to file a financial disclosure form. It is also the first time that a current state employee has failed to file an SFI after the Commission has issued a decision and order directing the employee to do so. Approximately 5,000 state and county elected officials and designated employees in major policy-making positions are required to file SFIs each year. Employees in major policy-making po-

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Ethics Primer: Self-Dealing, Part 2

Periodically, the Bulletin will discuss a particular area of the conflict of interest law. The information provided is educational in nature and should not be considered legal advice. Persons with questions about a specific situation should contact the Ethics Commission for free confidential advice.

The conflict of interest law, G. L. c. 268A, is intended to prevent, among other things, self-dealing. Section 19 of the conflict law generally prohibits a municipal employee (paid or unpaid, appointed or elected, full-time or part-time) from participating in any particular matter in which the municipal employee, an immediate family member

or partner, or a business organization in which he or she has certain affiliations, has a financial interest.

In the last edition of the *Bulletin*, the terms "immediate family," "business organization" and "participating and voting" were discussed. That edition also outlined the steps a public official must take to gain exemptions that permit participation that would otherwise be prohibited. In this edition, "financial interest" will be defined and the "rule of necessity" will be discussed.

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From the Executive Director

"The Role of Penalties in Enforcing the Conflict Law"

When the Legislature created the Ethics Commission in 1978 as the primary civil law enforcement agency for the conflict law, the civil penalty for violations was limited to a maximum of \$1,000 per violation. Since then, the Legislature has adjusted that figure to \$2,000 per violation. Many observers, including the media, have indicated that this is not enough.

On the other hand, many public officials say any monetary penalty is too much. Why? For many, the reason is simple: a public resolution has a cost beyond value to a public official - his or her reputation.

The role of penalties in enforcing the conflict law is complicated and the Commission strives to achieve the right balance in assessing penalties. Most people try to do the right thing for the right reasons. Some do the right thing to avoid embarrassment or to avoid penalties. To the extent this is true, penalties are both a punishment and a deterrent that, when made public, serve an educational purpose.

Finally, penalties may serve as full or partial restitution, making the government or those individuals involved whole. In one instance, a former public official paid a penalty and also forfeited any gain on the property he purchased; in another, a public official paid a penalty and turned the commission he earned on the town's investment back to the town.

In short, penalties serve multiple purposes often involving some combination of punishment, deterrence, education and restitution.

Peter Sturges

Commission Members Spring, 2002

Augustus F. Wagner, Jr., Chairman
R. Michael Cassidy
Christine M. Roach
Elizabeth J. Dolan

Carol Carson
Editor

Commissioners Forgo Per Diems

Earlier this year the four sitting Commissioners voted to relinquish their per diem payments for the remainder of the current fiscal year. Commissioners generally receive a \$75 per diem for every meeting or hearing they attend as well as for days spent in preparation for meetings. The Commission meets monthly to review and vote on formal advisory opinions, adjudicatory matters and enforcement recommendations.

"In difficult financial times when the Ethics Commission faces budget cuts that affect the ability of the Commission and its staff to carry out its mandate, giving up per diems is the least we could do," said Chairman Wagner. "My colleagues and I do not pretend that our decision constitutes a great sacrifice for us individually. We wanted to demonstrate publicly, however, our support for the Ethics Commission's staff and its mission, which is to provide advice and education about the conflict of interest and financial disclosure laws and, when necessary, to seek compliance with those laws. We also wanted to show our support for the many dedicated public servants throughout the Commonwealth who make sacrifices every day, in many cases to comply with those laws."

The Commission, like many other agencies, faces cuts to its budget. The budget signed last fall included \$1,414,708 for the Ethics Commission for fiscal year 2002, which began on July 1, 2001 and ends on June 30, 2002. This figure means the Commission must absorb a \$58,942 shortfall over this fiscal year. Most of the budget shortfall will be absorbed by not filling a position in the Commission's legal division, which provides public officials with advice about complying with the state's conflict of interest law. Currently most of the officials seeking advice are able to speak with an attorney the same day that they call the Commission. While many officials only need oral advice, public officials who need written advice generally wait four to six weeks for a response. That wait has increased.

The non-partisan Ethics Commission consists of five members appointed to staggered, non-renewable five year terms. Three commissioners are selected by the Governor, one by the Secretary of State and one by the Attorney General. No more than two of the gubernatorial appointments and no more than three members of the Commission may be from the same political party.

**VISIT OUR WEBSITE AT
WWW.STATE.MA.US/ETHICS**

Commission bids farewell to two Commissioners

The terms of two Commissioners, Edward R. Rapacki and Stephen E. Moore, expired last year. Commissioner Rapacki, who was appointed in 1996, by Attorney General Scott Harshbarger, is a partner in the Boston law firm Ellis and Rapacki. Commissioner Moore, a partner in the law firm Warner & Stackpole, was appointed by Governor A. Paul Cellucci in 1997.

Commissioners serve staggered five-year non-renewable terms. Three

are appointed by the governor, one by the secretary of state and one by the attorney general.

At a December holiday party for the Commission and its staff, Chairman Augustus F. Wagner Jr. presented Rapacki and Moore with commemorative glass bowls thanking them for their diligent service on the Commission.

Rapacki was replaced by Cassidy. Governor Jane M. Swift will appoint Commissioner Moore's replacement.

Ethics Primer: Financial Interest, Rule of Necessity

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What is a financial interest?

Although the conflict of interest law does not define the term financial interest, the Commission has a long-standing practice of interpreting the phrase.

The restrictions of the conflict law apply in any instance when the private financial interests are directly and immediately affected or when it is reasonably foreseeable that the financial interests would be affected.

Example: A selectman who owns a restaurant in town may have a financial interest in awarding a liquor license to a business competitor if it would be reasonably foreseeable that the granting of the liquor license to a competitor's restaurant would affect the selectman's restaurant sales.

Example: A planning board member who is a trustee of a private non-profit organization which opposes a project before the board will be prohibited from voting on that project if she knows that the private organization will spend financial resources to oppose the project if it is approved by the board. In contrast, if the organization has no intent to spend resources based on the decision, then the organization does not have a financial interest and the board member's participation would not violate this section of the conflict law.

The conflict law generally prohibits any type of official action regardless of whether the financial interest is large or small and regardless of whether the proposed action would positively or negatively affect the private financial interest.

Example: A public official responsible for hiring summer employees generally may not participate in the hiring process if an immediate family member is an applicant, even if it is clear that the immediate family member will not be hired and thus has a negative financial interest.

What is the rule of necessity?

If a member of a town or city board has a conflict of interest, that member will be disqualified from acting on that board matter. In some cases, espe-

cially when more than one member is disqualified, a board cannot act because it does not have a quorum or some other number of members required to take a valid affirmative vote. (If the number for a quorum is not set by law, a quorum is generally a majority of the board members.) In these instances, the board can use what is called the rule of necessity to permit the participation of the disqualified members in order to allow the board to act.

The rule of necessity is not a law written and passed by the Legislature. Rather, the rule of necessity was developed because judges applied it in their court decisions.

How does the rule of necessity work?

The rule of necessity works in the following way:

1. It can only be used if a board is unable to act on a matter because it lacks the number of members required to take a valid official vote, solely because members are disqualified by the conflict law from acting.

Example: A five member board has a meeting and all members are present. Three of the five members have conflicts. Three members are the quorum necessary for a decision. The two members without conflicts do not make a quorum. The board cannot act. The rule of necessity will permit all members to participate.

Example: A five member board has a meeting and four members are present (one member is sick at home). Two of the four present members have conflicts. A quorum is three. The one member who is sick at home does not have a conflict. The Rule of Necessity may not be used because there is a quorum of the board which is able to act. Because one member of the board is absent does not permit use of the Rule of Necessity.

Example: A five member board has a meeting and all members are

present. One member has a conflict and is disqualified. The vote is a two to two tie. The rule of necessity may not be used to break the tie. In general, a tie vote defeats the issue being voted on. (Stated differently, a tie vote will maintain the status quo.)

Example: All five members of a five member board are present. A quorum is three. However, one agenda item requires four votes, rather than

the usual simple majority, for an affirmative decision. Two of the board members have conflicts. Although a quorum is

available, the required four votes needed for this particular matter cannot be obtained without the participation of one or both of the members who have conflicts. The rule of necessity may be invoked and all five members may participate.

2. The rule of necessity should be invoked by one or more of the otherwise disqualified members, upon advice from town or city counsel or the State Ethics Commission.

3. If it is proper for the rule of necessity to be used, it should be clearly indicated in the minutes of the meeting that the board was unable to obtain a quorum due to disqualification of members and, as a last resort, that all those disqualified may now participate under the authority of the rule of necessity. Each disqualified member who wishes to participate under the rule of necessity must first disclose publicly the facts that created the conflict.

Note: Invoking the rule of necessity does not require previously disqualified members to participate; it merely permits their participation.

4. The rule of necessity may only be used as a last resort. Every effort must be made to find another board capable under the law of acting in place of the board that could not obtain a quorum.

"A financial interest may be large or small, positive or negative."

Recent Enforcement Matters

The Ethics Commission investigates numerous cases alleging violations of the conflict of interest and financial disclosure laws each year. While the Commission resolves most matters confidentially, it resolves certain cases publicly. Decisions and orders and disposition agreements are matters of public record once a case is concluded.

A decision and order concludes an adjudicatory proceeding or civil trial. The decision is a finding by the Commission that the law was or was not violated and the order determines the civil penalty or other remedy, if any, that the subject must pay. The Commission's decision may be appealed in Superior Court.

A disposition agreement is a voluntary written agreement entered into between the subject of a case and the Commission in which the subject admits violating the law and generally agrees to pay a civil penalty.

The Commission does not comment on any matter under investigation, nor does the office confirm or deny that it has received a specific complaint. The identity of any complainant is kept confidential.

Decision and Order

In the Matter of James Mazareas

The Commission issued a Decision and Order concluding that Lynn School Superintendent James Mazareas violated the conflict law by making personnel decisions about his wife. The Commission ordered Mazareas to pay a civil penalty totalling \$2,500. Mazareas was ordered to pay a \$1,000 penalty for violating §19 by appointing his wife to serve on the transition team when he became superintendent and to pay a \$1,000 penalty for violating the same section of the law by appointing her to facilitate a summer curriculum workshop. Mazareas was also ordered to pay a \$500 penalty for violating §23(b)(3) by recommending that his wife be transferred from a federally funded position to a comparable staff position on the city payroll under his direct supervision after becoming involved in a dispute with his wife's supervisor.

Disposition Agreements

In the Matter of Ruthanne Bossi

The Commission fined former Billerica

Building Inspector Ruthanne Bossi \$10,000 for violating §19 by reviewing and approving permit applications submitted by her brother, George Allen, a Billerica developer. The amount of the fine reflects the fact that Bossi was twice notified by the Ethics Commission that she should not participate in matters involving her brother yet continued to be involved and did so by using a "squiggle" rather than her initials to secretly indicate her approval.

In the Matter of Francis Callahan

The Commission fined Ayer Commissioner of Trust Funds Francis Callahan \$2,000 for violating G.L. c. 268A, §§17 and 19 of the state's conflict of interest law, by investing \$90,000 of the trust funds' money with New England Securities, the licensed broker/dealer of securities for his employer, New England Financial. The Ayer Commission of Trust Funds is responsible for investing the town's scholarship trust funds.

In the Matter of Joan Langsam

In a Disposition Agreement, former Somerville Solicitor Joan Langsam admitted violating M.G.L. c. 268A, §19 by participating, in late 1998 and early 1999, in the drafting of a \$180,000

project manager contract between the city and her husband after former Mayor Michael Capuano named MacDonald project manager. Langsam's participation included helping to prepare a boilerplate contract with general terms and conditions for any project manager situation and providing input in adapting that boilerplate contract to the particular circumstances of her husband serving as the library renovation project manager.

In the Matter of Eugene Lemoine

The Commission fined former Southampton Police Chief Eugene LeMoine \$2,000 for violating G.L. c. 268A, §23(b)(2) of the conflict of interest law by submitting an invoice for payment to the town for sweatshirts for which he had already received payment. LeMoine also agreed to reimburse the town \$605, which was the total payment he received.

In the Matter of Robert Manzella

The Commission issued a Disposition Agreement in which Rockland Zoning Board of Appeals Member Robert Manzella admitted violating the state's conflict law and paid a fine of \$2,000. According to the agreement, Manzella violated G.L. c. 268A, §17(c) by appearing before the ZBA on behalf of Manzella & DiGrande Inc., a family-operated prop-

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SECTION BY SECTION: WHAT THE CONFLICT LAW SAYS G.L. c. 268A

- Section 17(a) prohibits a municipal employee from receiving compensation from anyone other than the municipality in connection with a particular matter in which the municipality is a party or has a direct and substantial interest.
- Section 17(c) prohibits a municipal employee from acting as agent for anyone other than the municipality in connection with a particular matter in which the municipality is a party or has a direct and substantial interest.
- Section 19 generally prohibits a municipal employee from officially participating in matters in which the employee or certain others has a financial interest.
- Section 20 generally prohibits a municipal employee from having a financial interest in a contract made by a municipal agency of the same municipality that employs him.
- Section 23(b)(2) prohibits a public employee from using his or her position to obtain for the employee or others an unwarranted privilege of substantial value, one not properly available to similarly situated individuals.
- Section 23(b)(3) prohibits a public employee from acting in a manner which would cause a reasonable person, having knowledge of the relevant circumstances, to conclude that anyone can improperly influence or unduly enjoy the public employee's favor in the performance of his or her official duties.

erty management firm. Manzella is the assistant vice-president of the firm.

In the Matter of John K. Martin

The Commission issued a Disposition Agreement in which MassHighway civil engineer John K. Martin of Watertown admitted violating the conflict law by doing engineering work for Adesta Communications involving state permits to lay fiber optic cable on state property. Martin agreed to pay a total of \$8,500 consisting of a civil penalty of \$5,000 and a civil forfeiture of \$3,500. According to the Disposition Agreement, Martin is a registered civil/structural engineer who performed private engineering work reviewing and affixing his engineer's stamp to construction drawings that were submitted to the MBTA, MassHighway and other public entities as part of Adesta's applications for right-of-way access to lay fiber optic cable. Martin received advice from the Ethics Commission that he was prohibited from reviewing construction plans that would be submitted to his own or another state agency, from affixing his professional engineer stamp to such plans, or from being compensated for such work. After September 1999, Martin continued to review drawings he knew were to be submitted to MassHighway but arranged for other engineers to stamp those drawings. Martin split the fee from Adesta with those engineers. Martin continued to put his stamp on drawings that Adesta submitted to the MBTA. Between March 12, 1999 and June 7, 2000, Martin received a total of \$8,520 from Adesta for 16 sets of drawings submitted to state agencies. Seven of those drawings were submitted after the Commission told Martin that his private work for Adesta would violate the conflict law.

In the Matter of Matthew J. O'Neil

The Commission fined former Boston Redevelopment Authority ("BRA") Chief of Staff Matthew J. O'Neil \$2,000 for violating §20 of G.L. c. 268A, the state's conflict of interest law by having a financial interest in a contract with the BRA involving O'Neil's purchase of a Charlestown Navy Yard rowhouse. In addition, as

part of a disposition agreement, O'Neil agreed to sell his unit within six months and to forgo any profit from the sale. The agreement states that the BRA's general counsel advised O'Neil that "he should obtain legal advice from the Ethics Commission before proceeding with the Unit 17 purchase" and that "O'Neil did not seek such advice."

In the Matter of Stephen Powers

The Commission fined Chelsea City Councilor Stephen Powers \$1,000 for violating the conflict of interest law by seeking to establish short-term parking spaces outside S&L Subs, a sub shop co-owned by his wife. In a Disposition Agreement, Powers admitted that he violated G.L. c. 268A, §19 by participating in the effort to establish two 10-minute parking spaces at the intersection of Eastern Avenue and Cabot Street where his wife's sub shop is located. The effort ultimately was unsuccessful.

In the Matter of Adelle Reynolds

The Commission fined Douglas Building Inspector Adelle Reynolds \$1,000 for violating §23(b)(3) of G.L. c. 268A, the conflict of interest law by issuing permits to and conducting building inspections for GBI Builders while GBI Builders was building a \$144,000 modular home in Webster for Reynolds and her parents.

In the Matter of Richard Seveney

The Commission fined Ware High School Principal Richard Seveney \$1,000 for violating the conflict of interest law by participating in the hiring of his brother-in-law and his daughter. In a Disposition Agreement, Seveney admitted that he violated G.L. c. 268A, §19 by participating in the hiring of his wife's brother, Francis Mitus, as an audio-visual/computer technician. Seveney also admitted violating §19 by participating in the hiring of his daughter, Amy Wnek, as an in-school suspension monitor for the remainder of the 1999-2000 school year. While the superintendent was aware of the family relationship, no written disclosures by Seveney or determinations by the superintendent were made, nor did the superintendent know

the extent of Seveney's participation in the hiring process.

In the Matter of Peter Vallianos

The Commission issued a Disposition Agreement in which Monterey Zoning Board of Appeals Chairman Peter Vallianos admitted violating the conflict law and agreed to pay a fine of \$1,250. According to the Agreement, Vallianos, who is an attorney, violated G.L. c. 268A, §17(c) by appearing before the ZBA on behalf of two clients of his law practice and became significantly involved in the hearing.

In the Matter of Barry Vinton

Plympton Police Chief Barry Vinton entered into a Disposition Agreement in which he admitted violating §19 of G.L. c. 268A, the conflict of interest law by recommending that his wife, Carol, be hired as the police department clerk, by recommending that her position be funded and that her hours be increased and by approving warrants for payments to her. Vinton agreed to pay a civil penalty of \$2,000.

In the Matter of Kenneth Walley

Revere Assistant Building Inspector Kenneth Walley entered into a Disposition Agreement and paid a civil penalty of \$2,500 to resolve allegations that he violated §§17 and 19 of G.L. c. 268A by applying for and issuing permits for electrical work he performed. He also inspected and approved that work.

In the Matter of Dianne Wilkerson

In a Disposition Agreement, Sen. Dianne Wilkerson admitted that she violated G.L. c. 268A, §23(b)(3) by advocating as a state senator that the Boston Bank of Commerce ("BBOC"), with which she had a contract to solicit private-sector deposits, should receive divested bank branches as a result of the Fleet Bank/BankBoston merger. Wilkerson was not compensated under her contract for her actions in advocating for the BBOC. Wilkerson agreed to pay a \$1,000 civil penalty. The Disposition Agreement notes that Wilkerson brought this matter to the Commission as a self-report of a possible violation by her and cooperated with the Commission's investigation. This violation could have been avoided if Wilkerson had made a written disclosure that was public in nature of her relationship with the BBOC. She made no such disclosure.

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tions for each question and instructions for filing electronically. These instructions include samples of screens a filer will see online. In addition, Commission staff members will be available from Monday through Friday from 9 a.m. to 5 p.m. at 617-727-0060 to answer any questions about electronic filing. The staff also provides answers to employees with questions about completing the SFI. Questions sent to Administrator@eth.state.ma.us will be answered within one business day.

Designated filers whose agencies submitted their e-mail addresses to the Commission also received an e-mail containing an encrypted password which filers should change immedi-

ately to one only the filer will know. Candidates and those filers who have not received an encrypted password must register with the Commission. Instructions for registering are available at www.eth.state.ma.us.

Filing electronically will assist public officials in submitting complete and accurate SFIs. Each of the 30 questions of the SFI is linked to instructions and information related to that question. Each question is also set up to perform certain validation functions that will ensure that all required information is entered. In addition, the electronic application will check the SFI prior to submitting it to the Commission to make sure each question has been answered and to prompt filers to answer questions that have not

been answered.

"While some may find the adjustment to electronic filing trying, especially the first time when data must be entered, over time electronic filing will make the process easier and more convenient for the thousands of public employees who must file SFIs annually. It will also reduce costs for paper, printing and postage," said Executive Director Peter Sturges.

Sturges said that electronic filing is voluntary. Filers may still file a paper SFI by submitting an original and two copies of their SFI and a stamped self-addressed envelope to the Commission. He noted that persons filing a paper SFI are also being asked to make an adjustment since the paper form is in a new format this year, which mirrors the format which appears on the Internet. One copy will be date-stamped and returned to the filer.

Failure to file on time or to amend an inaccurate or incomplete statement within ten days of receipt of a formal late notice is a violation of the financial disclosure law. The Commission has adopted the following schedule of fines:

1-10 days late	\$ 50
11-20 days late	\$ 100
21-30 days late	\$ 200
31 or more days late:	\$ 500
Non-filing of an SFI	\$2,000

Fines for the repeated late submission of an SFI are double that of the schedule above.

ITD Makes It Happen!

Electronic filing would not have been possible without Massachusetts Information Technology Division funding.

The Commission thanks ITD Senior Analyst Tess Kurkuch for her assistance. The Commission also wishes to recognize the expertise and cooperation of the following ITD employees who worked to get this project completed on time:

Data Center Senior Staff: Linda Kelly, Ralph Ragucci, Lou Macinanti

Business Relationship Manager: Bill O'Keefe

Midrange System Services: Don Musto, Dan Buckley, Bill Donovan, Matt Donovan, Jim Yee, Bunthoun Ky

Network Engineers: Rich Glasberg, Jim Girardi, Rich Smith, Joe Foley

Network Security: Dan Walsh, Jim Belli, Kelly Jackson, Louis Tran, James Wentzel

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sitions are designated as filers by their agencies and their names are filed with the Ethics Commission annually. Pedro, a state employee since 1996, was identified as a designated employee in a major policy making position by the MBTA for the first time in early 2001.

Nearly nine months after the original filing deadline of May 1, 2001 passed, the Ethics Commission issued a Decision and Order ordering Pedro to pay the penalty and file his SFI. According to the Decision and Order, Pedro had been notified on a number of occasions that he was required to file, including

being served a Formal Notice of Lateness by the Suffolk County Sheriff's Department on June 1, 2001. Pedro failed to respond in each instance.

Pedro, a Charlestown resident, complied with the Decision and Order on Monday, February 25 after senior officials at the MBTA learned of the Decision and Order. General Manager Michael Mulhern has suspended Pedro from his job with the MBTA until the conclusion of an internal investigation. The financial disclosure law provides that no public employee shall be allowed to continue in his duties or to receive compensation from

public funds unless he has filed a statement of financial interests with the Commission as required.

"Our office provides ample notice and lots of help to any state or county official required to file an SFI. Most, indeed nearly all, of those required to file financial disclosure statements do so," said Ethics Commission Executive Director Peter Sturges. "Statements of Financial Interests are a cornerstone of ethics laws and failing to file these disclosures circumvents the important role they have in fostering public trust in those who hold key government positions."

Commission Educational Seminar Calendar

*The Ethics Commission offers free educational seminars for municipalities, agencies and public groups. The Public Education Division will go **anywhere** in the state, **anytime** day or night, to provide these seminars. Currently there are a number of openings; requests for seminars are honored on a first come, first served basis. Please call the Commission at 617-727-0060 if your municipality, agency or group would like to organize and sponsor a seminar. The dates, times and locations of seminars listed below are subject to change. Please check with the host community or agency if you plan to attend.*

Day	Time	Host/Location
<u>April</u>		
2	2:00 & 6:00 p.m.	City of Chicopee, City Hall, Chicopee
2	8:00 a.m.	Framingham Police Department, Framingham
3	2:00 & 7:00 p.m.	Town of Douglas, Town Hall, Douglas
4	9:00 a.m.	Mass. Certification Program for Procurement Officials, Greenfield
4	2:00 & 7:00 p.m.	Town of Salisbury, Town Hall, Salisbury
8	9:00 a.m.	Municipal Forum - Worcester County (sponsored by Attorney General, District Attorney and the Ethics Commission), Holy Cross College, Rm. 519
9	10:00 a.m.	Framingham Police Department, Framingham
9	3:15 & 7:00 p.m.	Town of Brookfield, Town Hall, Brookfield
10	9:00 a.m.	Lynn Housing Authority, 10 Church Street, Lynn
11	3:00 & 7:00 p.m.	Town of Manchester, Town Hall, Manchester
22	1:30 & 6:00 p.m.	Town of Rockport, Town Hall, Rockport
23	2:00 & 7:00 p.m.	Town of North Reading, Town Hall, North Reading
24	2:00 & 6:30 p.m.	Town of Freetown, Town Hall, Freetown
25	3:00 & 7:00	Town of Sterling, Town Hall, Sterling
30	9:30 a.m.	Barnstable County, Health & Environment, location to be announced
<u>May</u>		
2	5:30 p.m.	Western N.E.College- Police Program, Fort Devens
9	10:30 a.m.	Town of Danvers, Town Hall, Danvers
10	9:00 a.m.	Mass. Certification Program for Procurement Officials, Tewksbury
14	9:00 a.m. & 1:00 p.m.	City of Fall River, City Hall, Fall River
16	2:00 & 7:00 p.m.	Town of Wayland, Town Hall, Wayland
<u>June</u>		
6/13	1:00 PM	Department of Corrections, Bridgewater

Summaries of Recent Advisory Opinions

EC-COI-01-1 The “city councillor’s exemption” of G.L. c. 268A, §20 does not allow a high school counselor who is elected to the City Council to accept a paid position as an assistant principal or principal in the City’s school system.

EC-COI-01-2 A member of the general court is permitted, under paragraph 5 of G.L. 268A, §7, to receive compensation from an educational institution of the Commonwealth for employment as an adjunct faculty member and is also permitted to be compensated as the coordinator of evening services because the coordinator duties are predominantly associated with

the instructional function of the College, and therefore, “related” to teaching.

EC-COI-02-1 Section 18 of G.L. c. 268A prohibits a retail real estate broker who served on a town task force from receiving compensation from, or acting as agent for, the developer of a town site to assist it in complying with the restrictions imposed by the town, including finding buyers or renters of retail space at the site, because his compensation would be in connection with the same matter in which he participated as a municipal employee and which remains of direct and substantial interest to the town.

EC-COI-02-2 Section 19 of G.L. 268A does not prohibit a member of a town board who is a director of a private organization from participating in a particular matter in which the private organization does not intend to expend any financial resources as a result of the board decision; in contrast, if, as a result of a board decision, the private organization will expend its financial resources to oppose the project approved by the board, then the private organization has a financial interest and the board member who is a director of the private organization may not participate.

Commission Services You Can Use

GETTING LEGAL ADVICE

Anyone who is covered by the conflict of interest law may request **legal advice** about how the law applies to them in a particular situation. The advice is free, confidential, timely and prospective. To request such advice:

- Call the Commission's "lawyer-of-the-day" at 617-727-0060 or toll-free at 888-485-4766; or
- Send a letter, include all the relevant facts, to: Legal Division, State Ethics Commission, Room 619, One Ashburton Place, Boston, MA 02108.

If you need advice by a certain deadline, please include that information in your request.

FILING COMPLAINTS

The Commission's Enforcement Division accepts **complaints** alleging violations of the conflict of interest and financial disclosure laws. Complainants' names are kept confidential. If you wish to file a complaint:

- Call the Ethics Commission's "investigator-of-the-day" at 617-727-0060; or toll free at 888-485-4766; or
- Write a letter, include all the relevant facts, address to: Enforcement Division, State Ethics Commission, Room 619, One Ashburton Place, Boston, MA 02108.

HOSTING SEMINARS

The Commission offers free **educational seminars** about the conflict law to public servants. Seminars provide a basic understanding of the principles of the law and explain how to avoid potential conflicts.

Included in each seminar is a facilitated discussion based on hypothetical, yet realistic, situations. Topics covered include gratuities, nepotism, self-dealing, appearances, and restrictions on after-hours and post-employment activities.

To arrange for a seminar contact the Public Education Division at 617-727-0060 or toll-free at 888-485-4766.

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